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ATTORNEY FOR PETITIONER

FILED

JUL 11 2016

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE RIVER DIVISION
BIGHORN RIVER, BELOW GREYBULL RIVER – BASIN 43P

PETITIONER: Scott Ranch, LLC, a Montana Limited Liability
Company.

CASE 43P-_____

**PETITION FOR
ADJUDICATION**

COMES NOW, Jordan W. Knudsen, Counsel for Scott Ranch, LLC, and hereby petitions
the Court for adjudication of existing water rights under Mont. Code Ann. Title 3, Chapter 7 and
Title 85, Chapter 2, Parts 2 and 7 (2015).

This Petition arises out of necessity, as the rights claimed were not contained in the
Preliminary Decree of Basin 43P, issued January 28, 2016. The recent issuance of fee patents
on the lands in this petition has created a unique set of facts which has prevented the Petitioner,
or any previous owner, from seeking adjudication until this time. This Petition is based upon the
following:

1. All lands, located within the exterior boundaries of the Crow Indian Reservation, upon
which these water rights are claimed, were previously held in Trust by the United States
for the benefit of Thor K. Lande, an enrolled member of the Crow Tribe who died on
January 4, 1997. Pursuant to Thor K. Lande's will all of these lands were placed in fee
by issuance of Fee Patents by the United States Bureau of Land Management in 2006.

2. All water rights subject to this Petition have been used historically for agricultural use, as stock water, domestic use, and irrigation, before and subsequent to issuance of the Fee Patents and acquisition by Petitioner.
3. All water rights claimed in this Petition are for stock or individual domestic use, based upon instream flow or groundwater sources and were exempt from filing a statement asserting a claim. Mont. Code Ann. §§ 85-2-221 to 222 (2015). As such, neither the allottee, nor the Bureau of Indian Affairs on behalf of the allottee were obligated to file any water right claims by the June 30, 1983, deadline.
4. Petitioners are non-Indian successors in interest to all said lands subject to this Petition, purchased by Contract for Deed, and recorded in Big Horn County, Montana, on March 23, 2010. (Except Claims 39 and 41, noted in Exhibit A, which were purchased from an heir of Thor K. Lande, and recorded in Big Horn County, Montana, on July 12, 2012. These lands were also in trust status until Thor K. Lande's death, January 4, 1997.)
5. Pursuant to §85-2-217, enacted in 1979, all proceedings to adjudicate water right claims on The Crow Indian Reservation were suspended while negotiations of the Crow Water Compact were pursued.
6. Negotiations for the Crow Water Compact commenced November 2, 1981. §85-20-902.
7. The Crow Current Use List for Basin 43P, completed April 3, 2013, in compliance with the Crow Water Compact, did not contain any of the water rights subject to this Petition because title to the land had been converted to fee ownership in 2006, and the water rights no longer related to allotments held in trust by the United States for the individual owners.
8. The Preliminary Decree for Basin 43P, Bighorn River Below Greybull River, was issued on January 28, 2016. The water rights subject to this Petition were not identified as water right claims in the Preliminary Decree for Basin 43P.

1 9. The water rights subject to Petition were not available for state adjudication until 2006,
2 when the fee patents were issued. However, adjudication of water right claims for
3 federal non-Indian and Indian reserved rights was suspended on the Crow Reservation
4 pursuant to the constraints set forth in §85-2-217, which were lifted July 1, 2013.

5 WHEREFORE, Petitioner requests the Court grant Petitioner's Petition and enter its
6 Order allowing adjudication of the water rights identified in the attached Exhibit A, as claims
7 within Basin 43P, and make findings that said water rights are reserved Walton rights as they
8 meet the requirements for such determination articulated in *Colville Confederated Tribes v.*
9 *Walton*, 647 F.2d 42, 51 (1981).

10 Respectfully submitted this 7th day of July, 2016.

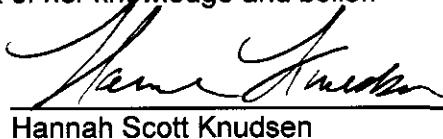
11 
12 Jordan W. Knudsen
13 Attorney for Petitioner

14 **VERIFICATION**

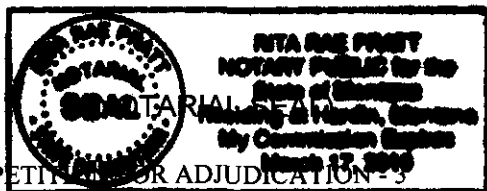
15 STATE OF MONTANA)
16) ss.
17 County of BIG HORN)

18 I, Hannah Scott Knudsen, as member/manager of Scott Ranch, LLC, Petitioner in this
19 matter, being first duly sworn, upon her oath, deposes and says:

20 That she is the Petitioner in the above-entitled action; that she has read the foregoing and
21 attached Exhibit A, knows the contents thereof, and that the facts and matters contained therein
22 are true, accurate, and complete to the best of her knowledge and belief.

23 
24 Hannah Scott Knudsen

25 SUBSCRIBED AND SWORN TO before me this 1 day of July, 2016.



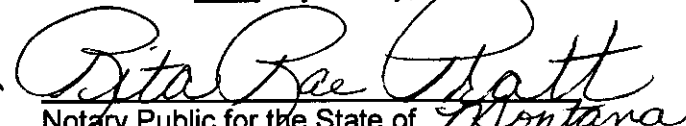

Notary Public for the State of Montana
Print Name: RITA RAE PRATT
Residing at Wardlaw
My Commission Expires: 03/17/19

EXHIBIT A

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